STATUTORY RULES OF NORTHERN IRELAND

2011 No. 402

ENVIRONMENTAL PROTECTION

The Pollution Prevention and Control (Amendment No.2) Regulations (Northern Ireland) 2011

Made - - - -	*25th November 2011*
Coming into operation	*31st December 2011*

The Department of the Environment makes the following Regulations, in exercise of the powers conferred by Article 4 of the Environment (Northern Ireland) Order 2002 (**1**).

In accordance with Article 4(4) of that Order, the Department has consulted district councils and such bodies or persons appearing to it to be representative of the interests of district councils as it considers appropriate, such bodies or persons appearing to it to be representative of the interests of industry, agriculture and business as it considers appropriate and such other bodies and persons as it considers appropriate.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Pollution Prevention and Control (Amendment No.2) Regulations (Northern Ireland) 2011 and shall come into operation on 31st December 2011.

(2) In these Regulations "the Principal Regulations" means the Pollution Prevention and Control Regulations (Northern Ireland) 2003(**2**).

Amendment to the Principal Regulations

2.—(1) The Principal Regulations shall be amended as follows.

(2) In regulation 10—

(a) in paragraph (8) after "18" insert "or 18A"

(b) in paragraph (8) after "regulation" in the second line insert "18A,"

3. After Regulation 18 insert—

(**1**) S.I. 2002 No. 3153 (N.I.7)

(**2**) S.R. 2003 No. 46 as amended by S.I. 2003 No. 3311, S.R. 2003 No. 390, S.R. 2003 No. 496, S.R. 2004 No. 36, S.R. 2004 No. 507, S.R. 2005 No. 229, S.R. 2005 No. 300 ,S.R. 2005 No. 454, S.R. 2006 No. 98, S.R. 2006 No. 280, S.R. 2007 No. 245, S.I. 2007 No. 2325, S.R.2009 No. 159, S.R. 2009 No. 403, S.R. 2011 No. 2, S.R. 2011 No. 127, and S.R. 2011 No. 212.

"**Death of a permit holder**

18A.—(1) This regulation applies if—

(a) a permit is held by an individual (A); and

(b) A dies.

(2) On the death of A, the permit—

(a) shall be property forming part of A's personal estate, and

(b) shall continue to have effect subject to—

(i) the same conditions that applied at the time of A's death, and

(ii) the condition mentioned in paragraph (3).

(3) The permit shall be read as if it contained the following condition—

"As soon as is practicable after administration of the estate of A, the personal representative shall notify the regulator that the permit has vested in them."

(4) The permit shall cease to have effect 6 months after the date on which A dies, unless it is transferred before the end of that period.".

Amendment of Schedule 1

4.—(1) Schedule 1 shall be amended in accordance with Regulations 5 to 8.

5.—(1) In Section 1.1 (*COMBUSTION ACTIVITIES*) of Chapter 1 of Part 1—

(a) in Part A, omit paragraph (b);

(b) in the paragraph entitled "*Interpretation of Part A"* omit paragraph 2;

(c) in Part C omit paragraphs (b) and (c);

(d) in the paragraph entitled "*Interpretation of Part C"* omit paragraphs 2 and 3;

(e) omit the paragraph entitled "*Interpretation of Section 1.1*"

6.—(1) In Section 1.2 (*GASIFICATION, LIQUIFICATION AND REFINING ACTIVITIES*) of Chapter 1 of Part 1—

(a) in Part B omit paragraph (a);

(b) in Part C for paragraphs (c) and (d) substitute —

"(c) Motor vehicle refuelling activities at an existing service station after the prescribed date.

(d) Motor vehicle refuelling activities at a new service station, if the petrol refuelling throughput at that service station in any 12 month period is, or is intended to be greater than 500 m^3."

(c) after paragraph (d) insert

"(e) Motor vehicle refuelling activities at a new service station if the petrol refuelling throughput at that service station in any 12 month period is, or is likely to be greater than 100 m^3 and it is situated under permanent living quarters or working areas.

(f) Any existing service station which undergoes a major refurbishment must be treated as a new service station."

(d) In the Interpretation of Part C —

(i) for the definition of "new service station" substitute—